PURPOSE OF THIS GUIDE

The purpose of this guide is to provide occupational health and safety (OH&S) committees with the tools needed to carry out their duties effectively. The information focuses on their formation, structure, and function as well as training and meeting requirements. It addresses relevant legislation and best practices. The booklet also contains: a sample terms of reference, a sample minutes reporting form, sample OH&S committee evaluation form, sample OH&S committee meeting, simulation OH&S committee meeting, and a sample injury notification report.

OCCUPATIONAL HEALTH & SAFETY COMMITTEES

Sources of Information

Prevention Services
Workplace Health, Safety and Compensation Commission
Phone: 709- 778-1546;
toll free 1-800-563-9000
or
Occupational Health and Safety Branch
Department of Government Services
Phone: 709-729-2706
or toll-free 1-800-563-5471

WHSCC
WORKPLACE HEALTH, SAFETY & COMPENSATION COMMISSION

SAFE WORK
NEWFOUNDLAND & LABRADOR

July, 2004

www.safeworknl.com

TABLE OF CONTENTS

Inside this Guide

Introduction 1

OH&S Program 1

Definitions 2

Responsibilities for the OH&S Program 5

OH&S Committees 5

Forming OH&S Committees 6

Structure of OH&S Committees 10

Responsibilities of OH&S Committees 13

OH&S Committee Records and Meetings 22

Conclusion 26

Appendices

Appendix A
Legislation 28

Appendix B
Sample Terms of Reference 40

Appendix C
Sample OH&S Committee Minutes Report Form 51

Appendix D
Sample OH&S Committee
Evaluation Form 53

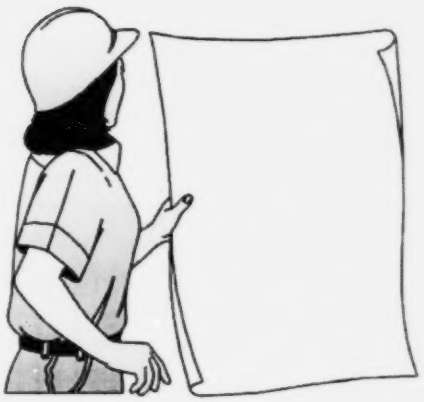
Appendix E
Simulation OH&S Committee Meeting 58

Appendix F
Sample Injury Notification Report 67

106-00555/

Introduction

OH&S Program



An occupational health and safety (OH&S) program is a process for managing health and safety issues in the workplace. In workplaces with 10 or more workers employed, employers are required to develop an OH&S program [*OH&S Act*, subsection 36.1(1)]. An OH&S program documents health and safety policies and procedures; and it is tailored to meet the needs of individual workplaces. The OH&S Regulations outline the minimum requirements for an OH&S program [subsection 4(1)].

Appendix A "Legislation" outlines the legislation referred to in this booklet.

The Workplace Health, Safety and Compensation Commission (the Commission) has identified the core elements which make up an OH&S program [subsection 4(1) of the OH&S Regulations]. They are:

- leadership and administration
- OH&S committees
- education and training
- communication
- safe work practices and procedures
- hazard recognition, evaluation and control
- workplace inspections
- accident/incident investigations
- emergency preparedness/response

An element on "disability management" should also be included in an OH&S program. This element helps workers return-to-work at a safe pace and in a position appropriate to their level of recovery.

Definitions

accident	an undesired event that results in a personal injury or illness, damage to or loss of property, process or environment
best practice	performance standards developed by employers, workers and OH&S professionals which exceed basic OH&S legislative requirements and which strive toward doing work in the safest possible way
co-chair	the employer and worker members of an OH&S committee elected as co-chairs by their respective groups
directive	an order written by the assistant deputy minister or an officer directing a person who, in their opinion, is contravening the *OH&S Act* or the Regulations, to take the remedial measures specified in the order within the time stipulated in the order that are necessary to ensure compliance with this *OH&S Act* and Regulations. (Refer to "remedial measures," section 28 of the *OH&S Act*.)
ergonomics	a science that seeks to adapt work or working conditions to suit the worker
employer	a person who employs one or more workers
incident	an undesired event that under slightly different conditions could or does result in an injury or loss; sometimes called a near miss
injury notification report	a report with a breakdown of injuries reported to the Commission. The reports are sent to both co-chairs of all OH&S committees in the province every quarter. The statistics on the report are based on the employer's firm number and not on individual workplaces
internal responsibility system	a philosophy guiding OH&S legislation in all Canadian jurisdictions. It is a system based on the commitment, involvement and accountability of all workplace parties

OH&S Act	*Occupational Health and Safety Act* is the law that regulates OH&S in workplaces throughout Newfoundland and Labrador. It imposes minimum conditions on all workplaces to ensure workers are provided with a safe and healthy working environment.
OH&S committee	an advisory group made up of employer and worker representatives whose primary role is to monitor the health, safety and welfare of workers at the workplace.
OH&S Regulations	under the authority of the *OH&S Act,* the OH&S Regulations outline specific ways to carry out the minimum standards prescribed in the *OH&S Act.*
officer	an occupational health and safety officer appointed under the *OH&S Act* and includes a medical practitioner providing services under section 20 of the *OH&S Act.*
Prevention Services Department	the department at the Commission which is responsible for promoting workplace health and safety and the prevention and reduction of workplace injuries and diseases
stop work order	an order completed by the assistant deputy minister or an officer, to stop all or a portion of work, and to vacate all or a portion of the workplace due to a condition at the workplace which poses an immediate risk to the heath and safety of workers or others at or near the workplace (refer to section 27 of the *OH&S Act*)
terms of reference	a document identifying the "way of doing business" or the "rules" by which a committee functions. It identifies the purpose of the OH&S committees and guides them in their work
work refusal	the right of a worker to refuse to do work that the worker has reasonable grounds to believe is dangerous to his or her health or safety or the health and safety of another person at the workplace

worker	a person engaged in an occupation
worker health and safety representative	a worker not connected with management who is chosen by co-workers to monitor the health, safety and welfare of workers employed in workplaces with more than one but less than 10 workers.
workplace	a place where a worker or self-employed person is engaged in an occupation and includes a vehicle or mobile equipment used by a worker in an occupation. A workplace is often called a worksite, a site, a corporate office, a regional office, a satellite office, etc.
Workplace Health, Safety and Compensation Commission	an employer-funded no fault insurance system that promotes safe and healthy workplaces, provides return-to-work programs and fair compensation to injured workers and their dependants. The Commission serves over 14,000 employers and approximately 8,000 injured workers
workplace parties	the different groups involved in the employer's operations: for example, employers, contractors and workers

Responsibilities for the OH&S Program

Employers are responsible for the development, implementation and maintenance of the OH&S program. Under the legislation, the employer is required to:

- ✓ establish and maintain an OH&S program under 36.1 of the *OH&S Act* and
- ✓ implement the OH&S program; and
- ✓ review and, where necessary, revise the OH&S program
    - at least every three years,
    - where there is a change of circumstances that may affect the health and safety of workers, and
    - where an officer requests a review (subsection 4 (2) of the OH&S Regulations)

One means of the OH&S committee monitoring the health, safety and welfare of workers in the workplace is to monitor and support the OH&S program developed by the employer. The OH&S committee's role in monitoring the OH&S program is described in detail later in this booklet.

OH&S Committees

What is an OH&S committee?

An OH&S committee is an advisory group made up of representatives of the employer and the workers in a workplace. As an important communication link between workers and management, its primary role is to monitor the health, safety and welfare of workers (*OH&S Act*, section 37). The OH&S committee should work closely with the employer as part of the internal responsibility system and promote a positive health and safety culture, where all workplace parties take responsibility for their own health and safety and the health and safety of their co-workers.

Section 39 of the *OH&S Act* outlines the duties of OH&S committees as:

- identifying aspects of the workplace that may be unhealthy or unsafe
- participating in workplace inspections
- receiving OH&S issues from workers
- making recommendations about OH&S to workplace parties

- maintaining records of OH&S issues received by workers
- maintaining records of workers' issues and how they were resolved
- establishing and promoting OH&S educational programs for workers
- co-operating with government officials exercising their duties under the *OH&S Act*
- performing other duties and following procedures prescribed in the OH&S Regulations

OH&S committees can ensure they effectively monitor the OH&S program at the workplace by developing a "terms of reference" which spells out their roles and responsibilities. A terms of reference may be considered a "way of doing business" or the "rules" by which OH&S committees function. It identifies the purpose of OH&S committees, guides them in their work, and assists them in evaluating their effectiveness. Each workplace is unique; therefore, the terms of reference for each OH&S committee should be unique. The terms of reference should reflect the needs of the specific workplace and should be developed by the members of the OH&S committee. **Appendix B** contains a "Sample Terms of Reference."

Forming OH&S Committees

Who is responsible for establishing an OH&S committee?

Employers are required by law to establish an OH&S committee in workplaces where 10 or more workers are employed (*OH&S Act*, section 37).

What is the requirement for employers who carry out business in more than one location?

Each location where an employer carries out business is considered a workplace; and each workplace must be considered separately when determining the requirement for OH&S committees. Employers must establish an OH&S committee at each location where they carry out business if 10 or more workers are employed there. (For information regarding the requirements in workplaces with less than 10 workers, refer to **Appendix A**, section 41 of the *OH&S Act*.)

What are the requirements for OH&S committees in the construction industry?

Employers in the construction industry have the same legislative requirements as all other employers. However, the Occupational Health and Safety Branch of the Department of Government Services has issued an interpretation of the *OH&S Act* for the construction industry. The interpretation states that construction sites are required to have an OH&S committee or a worker health and safety (WH&S) representative at their headquarters depending on the total number of workers in accordance with sections 37 and 41(1) of the *OH&S Act*. In addition, on construction projects that last longer than 30 days, each employer should ensure one of the following is in place at the construction site:

a. representation on an established "site" OH&S committee, or
b. where no "site" OH&S committee exists, an OH&S committee is established or a WH&S representative is appointed depending on the number of workers at that site in accordance with sections 37 and 41(1) of the *OH&S Act*.
   (**Note:** subsection 41(1) of the *OH&S Act* refers to the requirement for employers in workplaces with less than 10 workers to ensure a worker not connected with the management of the workplace is designated as the WH&S representative to monitor the health, safety and welfare of workers employed at the workplace.)

Do OH&S committees link with other committees in the workplace?

There is no legislative requirement for other committees established in the workplace to deal with health and safety issues. However, depending on factors such as the number of workers, the size of the workplace, the kinds of work undertaken, etc., there may be other committees established to deal with OH&S issues such as ergonomics, wellness, workplace inspections, accident/incident investigations, etc. Some of these committees may be sub-committees of the OH&S committee while others may be separate. In cases where they are separate, the OH&S committee should form linkages with them and encourage the sharing of information. This will help the OH&S committee to better monitor what is happening across the whole workplace in matters of health and safety.

In addition, the OH&S committee should be aware of the duties and reporting processes for these committees.

Is there required training for OH&S committee members?

The employer must ensure certification training approved by the Commission is received by the OH&S committee members as follows: where 50 or more workers are employed, all OH&S committee members must be trained; where between 10 and 49 workers are employed, the co-chairs must be trained (section 38.1 of the *OH&S Act*).

As a best practice, OH&S committee members who are not required to receive certification training, should be made aware of the following:

- the functions of the OH&S committee
- their legislative responsibility
- recognition, evaluation and control of workplace hazards
- workplace inspections
- accident/incident investigations (those conducting accident/incident investigations should have specific training in the accident/incident investigation process)

The topics listed above should be part of the "orientation" of all OH&S committee members.

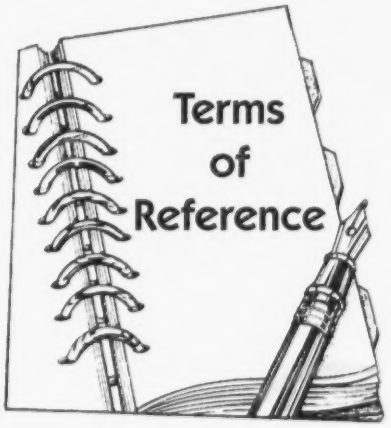
Is it necessary for OH&S committees to have a written"terms of reference"?

Paragraph 4(1)(e) of the OH&S Regulations requires employers to establish and operate an OH&S committee which includes procedural rules.

One of the first activities OH&S committees should carry out is the development of their terms of reference. Dealing with issues that come before them is one of the most important challenges facing OH&S committees. Outlining the processes for dealing with issues makes their work more effective. Therefore, it is important for OH&S committees to

have a written terms of reference which guides them in their work. A terms of reference should answer questions such as:

- what is the purpose of the OH&S committee?
- what training is required by the OH&S committee members?
- what is the make up of the OH&S committee?
- how long should members serve on the OH&S committee?
- how are co-chairs selected?
- what duties do co-chairs' carry out?
- how is the secretary appointed?
- what are the secretary's duties?
- what is the OH&S committee's responsibility in a work refusal?
- what is the OH&S committee's relationship with other committees at the workplace?
- how often are OH&S committee meetings held?
- what is a quorum for OH&S committee meetings?
- what are the regular agenda items for OH&S committee meetings?
- what issues should be discussed at OH&S committee meetings?
- what records should be reviewed and maintained by the OH&S committee?
- how will the OH&S committee monitor the OH&S program at the workplace?
- what is the process for decision making?
- what is the process for follow-up of recommendations?
- how will the OH&S committee evaluate its effectiveness?
- how often will the OH&S committee review the terms of reference?
- who should sign the terms of reference?



Structure of OH&S Committees

How many members are required on an OH&S committee?

There must be no less than two and no more than 12 members on an OH&S committee. The size of the committee must be agreed upon by the employer and the workers (*OH&S Act*, section 38).

The make-up of OH&S committees will depend on the number of workers at the workplace. Workers include those in management, those not connected with management, and those who work full-time, part-time, seasonal, etc. If, in order to have adequate representation from all worker groups the OH&S committee is larger than 12 workers, consideration should be given to having more than one OH&S committee.

How are OH&S committee members selected?

At least half of the OH&S committee members must represent the workers who are not connected with management at the workplace. Those worker members must be elected by other workers at the workplace or appointed by the union that represents them (*OH&S Act*, section 38).

The employer must appoint sufficient employer representatives to ensure the OH&S committee functions effectively and ensure the names of the members are posted in a prominent place at the workplace (*OH&S Act*, section 38).

How are co-chairs selected?

The employer members and the worker members of the OH&S committee must elect a co-chair from their respective groups (subsection 38 (6) of the *OH&S Act*).

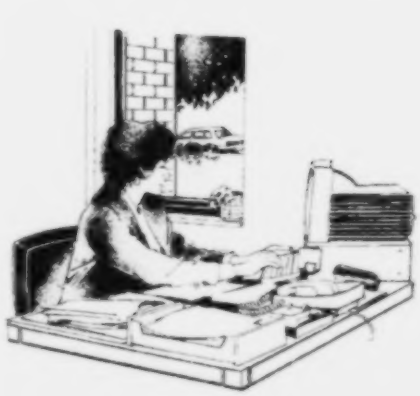
What is the role of the co-chairs?

The legislation does not outline specific duties of co-chairs. However, co-chairs play a critical role in the effectiveness of OH&S committees. They carry out this role by:

- working together to plan meetings
- following up on recommendations
  - ensuring recommendations are presented to the employer in writing
  - informing members of the employer's response to recommendations
  - ensuring recommendations to those other than the employer are followed up
- two weeks before each OH&S meeting, encouraging all workers to submit items for discussion at the meetings
- reviewing, prioritizing and deciding on agenda items
- distributing the agenda to members at least one week before meetings
- using a problem-solving process for decision making
  - it is preferable for OH&S committees to make decisions by consensus rather than with the support of only part of the membership
- keeping the meeting on track
- ensuring all members have the opportunity to contribute
- inviting guests
- ensuring meetings start and end on time
- reviewing minutes and giving members the opportunity to indicate any errors or omissions at the start of each meeting

How is the OH&S committee secretary selected?

Some OH&S committees choose a secretary from among their members. In other cases, the employer appoints a person to carry out the secretarial duties. If appointed by the employer, the secretary is not considered a member of the OH&S committee and, therefore, is not involved in the decision-making processes.



What is the secretary's role?

The legislation does not outline specific duties for the secretary on an OH&S committee. However, the secretary is mainly responsible for recording all minutes and activities carried out by the OH&S committee. The secretary may also be responsible for:

- ensuring minutes are signed by co-chairs before they are distributed
- promptly preparing, distributing and posting minutes of OH&S committee meetings
- promptly circulating reports and information to members
- sending the minutes to the Commission using the prescribed form (**Appendix C** contains a "Sample OH&S Committee Minutes Report Form")
- preparing the agenda as set by the co-chairs
- issuing notice of meeting times and locations
- ensuring all necessary documents, correspondence and information are available for meetings
- maintaining records by ensuring a copy is retained for the committee's and company's records.

Is there a required term on the OH&S Committee?

The legislation does not have a term requirement for OH&S committee members.

The term on an OH&S committee will vary from one workplace to another. For example, if the workplace is unionized, collective agreements may specify the term for unionized members. Changing members every few years allows for fresh ideas and gives more people a chance to learn the role and responsibilities of an OH&S committee. In an effort to ensure continuity in the experience and knowledge of the OH&S committee, vacancies should be staggered to retain a high level of expertise.

Responsibilities of OH&S Committees

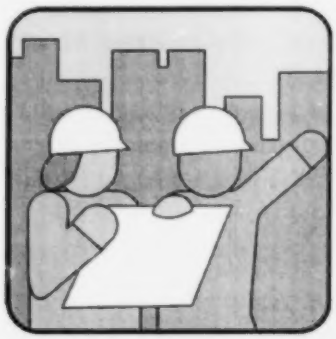
What is the main legislative responsibility of OH&S committees?

OH&S committees are responsible for monitoring the health, safety and welfare of the workers at the workplace (section 37 of the *OH&S Act*). They must encourage a positive health and safety culture by co-operating with the employer in all initiatives regarding the OH&S program.

What are the activities carried out by OH&S committee members?

The activities carried out by OH&S committees will vary depending upon the size and operations carried out at the workplace, the number of committees and subcommittees, the resources available, etc. Activities carried out by most OH&S committees include:

- attending meetings
- monitoring the elements of the OH&S program in the workplace
- promoting activities that reflect a health and safety culture in the workplace
- receiving complaints from other workers [*OH&S Act*, subsection 39(c)]
- communicating regularly to workers on the progress of their issues [*OH&S Act*, subsection 39(c)]
- leading by example by following safe work practices and procedures
- investigating work refusals [*OH&S Act*, paragraph 45(1)(b)]
- making recommendations to the employer or others in the workplace [*OH&S Act*, section 39(b)]
- following up on recommendations as required
- consulting with the employer about the scheduling of workplace inspections (*OH&S Act*, section 5)
- participating in workplace inspections [*OH&S Act*, subsection 39(a.1)]
- participating in accident/incident investigations
- reviewing OH&S documents such as workplace inspection reports, accident/incident investigation reports, the Commission's quarterly injury notification reports, safe work practices and procedures, etc.



What is the OH&S committee's responsibility in the "right to refuse" (work refusal)?

A worker may refuse to do work that he or she has reasonable grounds to believe is dangerous to his or her health or safety, or the health and safety of another person at the workplace [*OH&S Act*, subsection 45(1) and section 46].

The following three (3) step procedure applies:

Step 1 Report immediately to his/her supervisor giving the precise conditions for the refusal to work [*OH&S Act*, paragraph 45(1)(a) and section 46].

If the matter is resolved to the worker's satisfaction by the employer, the worker must return to work.

If the matter is not resolved to the worker's satisfaction, the worker reports to:

Step 2 A member of the OH&S committee (or WH&S representative in workplaces with less than 10 workers) for investigation. [*OH&S Act*, paragraph 45(1)(b)]

If the matter is not resolved to the worker's satisfaction by the OH&S committee (or WH&S representative), the worker reports to:

Step 3 The Occupational Health and Safety Branch, Department of Government Services for information and followup (*OH&S Act*, section 47).

An occupational health and safety officer investigates the matter and, pending resolution, advises the worker to return to work. [*OH&S Act*, paragraph 45(1)(c)]

While the matter is under investigation, the employer may assign the worker other work that is reasonably equivalent to his/her normal work. The employer shall pay the worker the same wages or salary and grant the same benefits as the worker would have received in his/her normal work. [*OH&S Act*, subsections 45(2), 45(3), and 45(4)]

Where a worker has exercised the right to refuse unsafe work, the employer shall not assign another worker to perform those duties unless the substitute worker has been informed of the prior refusal and the reason or reasons for that refusal [OH&S Regulations, subsection 22(3)].

A worker shall not take advantage of his or her right to refuse unsafe work under section 45 without reasonable grounds (*OH&S Act*, section 48).

A worker must be in the workplace and familiar with the alleged hazards in order to refuse unsafe work. A right of refusal cannot be exercised in absentia or on behalf of others.

If the matter is not resolved to the worker's satisfaction in "step 1" of the procedure and the worker proceeds to "step 2," the OH&S committee must investigate the matter by:

- asking the supervisor/employer for the results of his/her investigation,
- asking the worker to explain why he or she believes the work is unsafe or unhealthy, and
- conducting a physical inspection of the hazard identified by the worker (the worker should accompany the OH&S committee during this inspection).

Results of the investigation:

- if the OH&S committee members unanimously find that the work is safe and healthy, they should advise the worker to return to work.
- if one or more of the OH&S committee members find the work is unsafe or unhealthy, the OH&S committee must make a recommendation to the employer to control the hazard.
- if the hazard is controlled to the satisfaction of the OH&S committee members, they should advise the worker to return to work

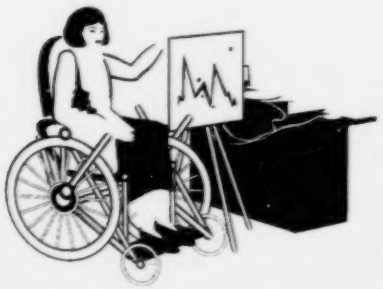
The OH&S committee should keep records of its involvement in all work refusals.

In situations where the OH&S committee members cannot reach a unanimous decision to advise the worker to return to work, or if the work situation is not resolved to the worker's satisfaction, step 3 is implemented where the worker contacts the Occupational Health and Safety Division of the Department of Government Services and reports his or her work refusal either in writing or orally (section 47 of the *OH&S Act*).

An officer from that government department will investigate the work refusal. The OH&S committee should co-operate with officers by providing them with documentation concerning the work refusal. The worker involved and a member from the OH&S committee may accompany officers when they investigate the work refusal. If officers find the work situation to be safe and healthy, they will advise the worker to return to work. If officers find the work to be unsafe or unhealthy, they may issue an order (section 27 of the *OH&S Act*) or directive (*OH&S Act*, section 28).

What is involved in monitoring the OH&S Program?

Employers are responsible for establishing and maintaining the OH&S program [*OH&S Act*, subsection 36.1(1)] in consultation with the OH&S committee [*OH&S Act*, subsection 36.1(2)]. The employer is also responsible for consulting and co-operating with the OH&S committee on all matters respecting OH&S at the workplace [*OH&S Act*, subsection 5(f)].



OH&S committees are responsible for monitoring the health, safety and welfare of workers employed at the workplace (*OH&S Act*, section 37); and in order to fulfill this role, OH&S committees must be familiar with the requirements of an OH&S program. The status of an OH&S program, whether it is new or well developed will set the tone for the OH&S committee's involvement in health and safety activities at the workplace. It's important therefore, that the employer consult with the OH&S committee about the OH&S program; for example, when the employer develops safe work practices and procedures, workplace inspection checklists, contractor policies, orientation programs, and all other parts of the OH&S program, the employer should involve the OH&S committee by asking them to review these components and provide feedback. In this way, the OH&S committee is kept up-to-date on all aspects of the OH&S program.

An ideal time to review the OH&S program is during regular OH&S committee meetings. Each item on the meeting agenda should be reviewed to ensure it relates to the OH&S program. The OH&S committee should have a process for dealing with agenda items that do not relate to one of the OH&S program elements. The new "OH&S Committee Minutes Report Form" has a section for identifying the progress of an OH&S program elements. See **Appendix C**.

All workplaces are different and as a result, all OH&S programs are different. OH&S committees should develop a tool for monitoring the OH&S program that is specific to their workplace. The following section provides examples of questions which OH&S committees may want to consider when monitoring the elements of an OH&S program at their workplace. This is not an exhaustive list. OH&S committee members should develop their own list of questions based on the specific OH&S program at their workplace.

Leadership and Administration

- ☐ Is there a written OH&S program?
- ☐ Is it reviewed at least every three years and revised where necessary?
- ☐ Have individual(s) been assigned to oversee implementation and maintenance of the OH&S program?
- ☐ Are trends pertaining to accidents/incidents, injury/illness monitored?
- ☐ Is health and safety included in capital and operating budgets?
- ☐ Are health and safety responsibilities and accountabilities written into job descriptions for managers, supervisors, and workers?
- ☐ Are there written performance standards for OH&S?
- ☐ Have processes for non-compliance with the OH&S program been developed?
- ☐ Is there an OH&S orientation training program in place?

Are workers involved in

- ☐ workplace inspections?
- ☐ the development of safe work practices and procedures?
- ☐ the recognition, evaluation and control of hazards?

- ☐ Does the employer review minutes of OH&S committee meetings and other health and safety meetings such as tool box meetings?
- ☐ Is there a procedure in place to ensure the employer responds in writing within 30 days to a recommendation form the OH&S committee?
- ☐ Are there procedures in place that consider health and safety standards when purchasing tools and equipment?

- ☐ Is there a contractor policy which ensures contractors follow the requirements of the OH&S legislation and the OH&S program in the workplace?

OH&S Committee

- ☐ Is there an active OH&S committee in the workplace?
- ☐ Is a list of OH&S committee members posted in the workplace?
- ☐ Does the OH&S committee have a terms of reference?
- ☐ Have OH&S committee members been trained in accordance with OH&S legislation?

Does the OH&S committee:

- ☐ monitor the OH&S program at the workplace?
- ☐ have a formal process for receiving and responding to OH&S concerns of workers?
- ☐ identify aspects of the workplace that are unsafe and recommend corrective action?
- ☐ receive or distribute promotional health and safety information to workers?
- ☐ post minutes in a prominent place?
- ☐ meet at least once every three months to discuss health and safety concerns and forward minutes to the employer and the Commission immediately following the meeting?
- ☐ participate in the process of investigating accidents/incidents?
- ☐ promote OH&S programs and policies such as an OH&S orientation program?
- ☐ promote health and safety training?
- ☐ monitor the effectiveness of corrective action?
- ☐ encourage workers to get involved in OH&S initiatives in the workplace?
- ☐ evaluate its own effectiveness annually?

Education and Training

- ☐ Does the employer have a plan for training workers regarding job specific and workplace hazards?
- ☐ Does the employer maintain a list of those who receive training?

Is OH&S training delivered

- ☐ to new workers
- ☐ to workers who change jobs
- ☐ to workers returning to the workplace after an extended absence
- ☐ when new tools and equipment are introduced
- ☐ when there are changes in job tasks or processes?

- ☐ Are those who take part in A/I investigations trained in the A/I investigation process?

- ☐ Is ongoing OH&S training provided to all workers as needed?
- ☐ Is an orientation program provided for contractors prior to their work start-up?

Communication

- ☐ Are regularly scheduled health and safety meetings (i.e. toolbox meetings) held in work areas?
- ☐ Are OH&S news letters, news bulletins, flyers, and posters, distributed and posted in work areas?
- ☐ Is "health and safety" an item on staff/departmental meeting agendas?
- ☐ Are safety meetings documented?
- ☐ Are OH&S suggestion boxes used?
- ☐ Are safe work practices and procedures reviewed with workers before they start tasks not performed on a regular basis; for example, for confined space entry or transportation of dangerous goods?
- ☐ Are legislative requirements and OH&S program requirements of the workplace communicated to contractors?

Safe Work Practices and Procedures

- ☐ Have safe work practices and procedures been developed?
- ☐ Do supervisors encourage workers to follow safe work practices and procedures?
- ☐ Are workers trained in safe work practices and procedures?
- ☐ Are workers involved in developing safe work practices and procedures?
- ☐ Is there a process to ensure contractors follow safe work practices and procedures?

Hazard Recognition, Evaluation and Control

- ☐ Is there a system in place for recognizing, evaluating and controlling hazards?
- ☐ Does the OH&S committee review the system for hazard recognition, evaluation and control?
- ☐ Are workers involved in hazard recognition, evaluation and control?
- ☐ Are hazard controls followed-up to ensure they are effective?
- ☐ Are workers aware of how to prevent injury and illness associated with their work?

Workplace Inspections

- ☐ Does the employer schedule workplace inspections in consultation with the OH&S committee?
- ☐ Does the OH&S committee participate in workplace inspections?
- ☐ Are all areas of the workplace inspected on a scheduled basis?
- ☐ Are workplace inspection reports maintained?

- ☐ Are workplace inspection reports provided to the OH&S committee?
- ☐ Are controls put in place to eliminate or minimize recognized hazards?

Accident/Incident (A/I) Investigations

- ☐ Are all accidents and incidents investigated?
- ☐ Is there a standard procedure used for conducting A/I investigations?
- ☐ Is the OH&S committee involved in A/I investigations?
- ☐ Does the OH&S committee:
  - ☐ review A/I investigation reports?
  - ☐ review A/I investigation procedure?
  - ☐ ensure the A/I investigations are completed when required by the A/I investigation policy?
  - ☐ review the quarterly "injury notification report forms" from the Commission?

Emergency Preparedness

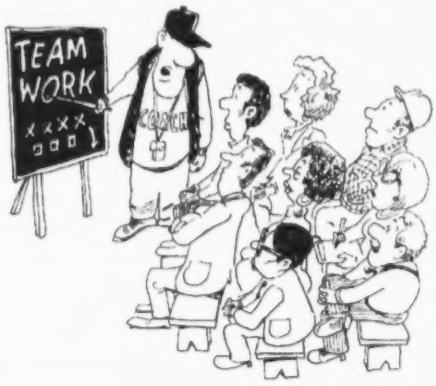
- ☐ Is there an emergency preparedness response plan/procedure?
- ☐ Are regular emergency preparedness drills conducted?
- ☐ Are workers trained in their roles and responsibilities in the case of an emergency?
- ☐ Is there a current site-map/layout of the facility and emergency phone numbers posted in prominent places in the workplace?
- ☐ Is emergency response equipment inspected as required?
- ☐ Are names of individuals responsible for first aid posted?

Disability Management

- ☐ Is there a process in place for disability management?
- ☐ Have workers been informed about their role in early and safe return-to-work?
- ☐ Does the OH&S committee support the early and safe return-to-work part of the disability management program?
- ☐ Does the employer maintain contact with the worker during their period of illness or injury?

What process is involved in making recommendations?

Decisions by the OH&S committee should be reached through consensus using a decision making process that allows the issue to be thoroughly discussed and analyzed. Consensus means that members of the OH&S committee come to an agreement that all can support. When decisions are made by majority vote, it means they have the support of only some of the members.



One decision making process that members may use is:

- identify the OH&S issue
- review supporting information
- generate alternate solutions
- decide upon recommendation
- forward recommendations to appropriate person (include all supporting information)

Decisions by OH&S committees often lead to informal or formal recommendations. Informal recommendations tend to be minor in nature and easily implemented by supervisors. They usually require minor funding and involve minor changes to work processes or resources.

Formal recommendations tend to be major in nature, may require major funding, and need higher level employer involvement or approval. They often involve the introduction of new equipment, changes to policy or processes, staff education and training, etc. Formal recommendations should be dated, put in writing with the rationale for the recommendation, signed by co-chairs and forwarded to the employer for consideration.

The minutes of OH&S committee meetings should document all recommendations, those responsible for follow-up, the date follow-up is expected, and the date the recommendation is implemented.

Sometimes, members may have difficulty reaching consensus on a formal recommendation. In this case, the OH&S committee may want to send the recommendation to the employer with "alternate solutions" highlighted. The employer will then have to review the alternate solutions and make the final decision.

Who is responsible for following up on recommendations?

Members of the OH&S committee should be given responsibility for following up on recommendations. The followup should involve reviewing the status of the recommendation, reporting progress of the recommendation to the OH&S committee, documenting the implementation of the corrective action, and followup to ensure the corrective action is effective. For recommendations that are sent to the employer, responsibility should be assigned for tracking the employer's response. The employer is responsible for responding to recommendations in writing within 30 days of receiving them from the OH&S committee (subsection 5 (f.1) of the *OH&S Act*).

How can the OH&S committee evaluate its effectiveness?

There is no specific legislative requirement for OH&S committees to evaluate their effectiveness. However, as a best practice, OH&S committees should develop and implement a tool that measures its effectiveness. The terms of reference outlines what the OH&S committee should be doing; therefore, the evaluation tool may be based on the terms of reference. A copy of the evaluation should be sent to the employer. **Appendix E** contains a "Sample OH&S Committee Evaluation Form."

Reviewing the Terms of Reference

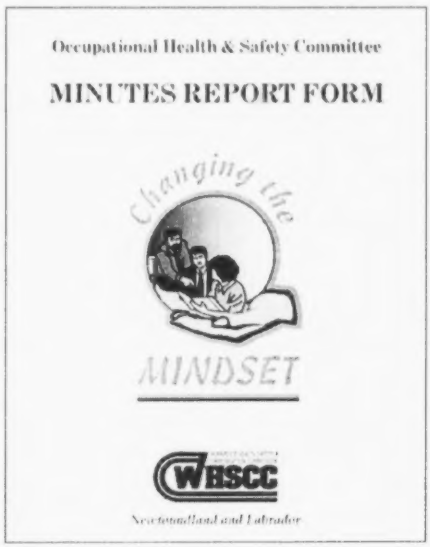
The terms of reference should be reviewed and revised as necessary. If the terms of reference is revised, these changes must be signed-off by the employer and both co-chairs.

OH&S Committee Records and Meetings

What records should be reviewed and maintained by the OH&S committee?

OH&S committees are required to receive and maintain records as to the receipt and disposition of concerns about workers' health, safety and welfare [*OH&S Act*, subsection 39 (c) and (e)]. The OH&S Regulations also

require OH&S committees to record minutes of all regular and special meetings using the form prescribed by the Commission and to forward one copy to the Commission, keep one on file with the OH&S committee, and post one in the workplace [OH&S Regulations, subsection 21(2)]. See "**Appendix C**.


Occupational Health & Safety Committee

MINUTES REPORT FORM

Changing the MINDSET

WBSCC

Newfoundland and Labrador

In addition, subsection 21(9) of the OH&S Regulations states that "copies of health and safety inspection reports made by an officer of the [OH&S branch], which in the opinion of the [branch] warrant circulation, shall be circulated to the employer and the [OH&S] committee" and reports not previously circulated by the branch, but subsequently requested by the OH&S committee shall be provided [subsection 21(10)].

In addition to those records outlined in the legislation, as a best practice OH&S committees should review and maintain as appropriate other health and safety records including:

- workplace inspection reports
- documentation regarding the right to refuse
- safe work practices and procedures
- accident/incident reports
- quarterly injury notification reports from the Commission
- hazard recognition, evaluation and control reports
- employer's response to recommendations
- data gathered in the decision-making process
- all other reports which relate to health and safety at the workplace

How often should OH&S committees meet?

Section 40 of the *OH&S Act* states that "meetings of a committee shall take place during regular working hours at least once every three months and a worker is not to suffer loss of pay or other benefits while engaged in a meeting of a committee." As a best practice, members may determine that meeting once every three months is not frequent enough to effectively review the OH&S program. The frequency of meetings is often determined by such factors as the number of workers, the kinds of risks to which workers are exposed, the progress of the OH&S program, etc. Committee

members must work closely with the employer to determine the frequency of meetings which is most appropriate for their workplace.

Appendix F – "Simulation OH&S Committee Meeting" presents a sample agenda and a "simulation" of an OH&S committee meeting which provides OH&S committee members with an example of how a meeting may be conducted.

What is the quorum for an OH&S committee meeting?

According to subsection 21(5) of the OH&S Regulations, "a quorum shall consist of one-half of the membership of the [OH&S] committee provided that both employer and worker members are represented." This is the minimum requirement under the legislation.

A quorum can be defined as the smallest number of people needed to be present in order for decisions to be made. However, when dealing with the health, safety and welfare of workers at a workplace, all members of the OH&S committee should be encouraged to attend all regularly scheduled meetings. This can be facilitated by involving all members in the development of the meeting schedule for the year. The dates, times and locations should be acceptable to all members. Having all members present at each meeting will enhance the consistency of meetings, the activities carried out and the experience gained by members.

The OH&S committee must decide the number of people it requires to make decisions. That number may depend on its size, the different work areas represented, whether the workplace is unionized, etc.

Do all OH&S committee meetings require an agenda?

The legislation does not require OH&S committees to use an agenda at their meetings. However, as a best practice, the agenda is one of the most important parts of OH&S committee meetings. It is the way co-chairs ensure meetings have a specific format and stay on track. Co-chairs are responsible for deciding the items to be included on the agenda and distributing the agenda before the meeting. Having the agenda prior to the meeting gives members time to prepare for the meeting.
Agenda items must reflect OH&S issues in the workplace. It is important for members to remain focused on the task at hand which is to monitor the health, safety and welfare of workers. Therefore, they must ensure that each agenda item directly links with some part of the OH&S program.

It is important to keep agenda items focused on OH&S issues to ensure productive meetings. To do this, the OH&S committee should outline a process for dealing with agenda items and review this process at the beginning of every meeting. (See **Appendix C** – Sample OH&S Committee Minutes for an example.) Items often found on an OH&S committee meeting agenda include:

- Check that a quorum is present
- Review agenda items
- Review minutes from previous meeting
- Educational session
- Sub-committee reports
- Review
  - workplace inspections
  - accident/incident investigation reports
  - quarterly injury notification reports from the Commission
- New business
- Workplace complaints
- Monitoring the OH&S program
- Date, time and place of next meeting
- Adjournment

The Commission sends an "Injury Notification Report" to both co-chairs of all OH&S committees in the province every quarter. These reports provide a breakdown of the injuries that were reported to the Commission for the most recent three-month period. The reports are based on the employer's firm number. They do not contain statistical information for individual workplaces. A "Sample Injury Notification Report" can be found in **Appendix G**. These reports should be reviewed by the OH&S committee as a means of tracking injury trends and identifying OH&S needs in the workplace.

Items not resolved during the meeting should be added to the next meeting agenda.

Are there issues that should not be discussed at OH&S committee meetings?

There are topics which should not be discussed at OH&S committee meetings. They include: labour management issues, disciplinary or personnel matters, discussion of union business and any other issues that are not directly related to the OH&S program.

Conclusion

The information in this booklet should help OH&S committees to identify their roles and responsibilities in the workplace. With a better understanding of legislative requirements and best practices, OH&S committees will be better able to monitor the health, safety and welfare of workers.

The "appendices" section of this booklet provide further information to help OH&S committees carry out their role in the workplace.

- **Appendix A** – "Legislation" lists the relevant sections of the *OH&S Act* and OH&S Regulations. For an official copy of legislation, contact the Office of the Queen's Printer, Confederation Building, phone 709-729-3649.
- **Appendix B** – "Sample Terms of Reference" provides a sample of the items OH&S committees may want to address in their terms of reference. This appendix is simply a sample to be used as a resource. OH&S committees must develop their own terms of reference which is unique to their workplace.
- **Appendix C** – "Sample OH&S Committee Minutes Report Form" is a sample of how to complete the new minutes report form.
- **Appendix D** – "Sample OH&S Committee Evaluation Form" is a sample of a form for evaluating the effectiveness of the OH&S committee. Because every OH&S committee is unique based on the workplace, the evaluation tool used to evaluate the workplace should be unique to the specific workplace.
- **Appendix E** – "Simulation OH&S Committee Meeting" presents a "sample agenda" and a "simulation" of an OH&S committee meeting to provide OH&S committee members with an example of how a meeting may be conducted.
- **Appendix F** – "Sample Injury Notification Report" is a report sent to the co-chairs of OH&S committees by the Commission to report the injuries reported and accepted by the Commission in the previous quarter; for example, co-chairs should receive the first quarter report at the end of April of each year. The reports are based on the employer's firm number for the company and not on the employer's individual workplaces. These reports should be reviewed every three months as a means of tracking injury trends in the workplace and identifying needs in the OH&S program.

Appendices

Appendix A
Legislation 28

Appendix B
Sample Terms of Reference 40

Appendix C
Sample OH&S Committee Minutes Report Form 51

Appendix D
Sample OH&S Committee
Evaluation Form 53

Appendix E
Simulation OH&S Committee Meeting 58

Appendix F
Sample Injury Notification Report 67

APPENDICES

Appendix A
Legislation

This is not an official copy of the *OH&S Act* and Regulations. For official copies, please contact the Queen's Printer at 709-729-3649.

OH&S Act

Specific duties of employers

5. Without limiting the generality of section 4, an employer

(a) shall, where it is reasonably practicable, provide and maintain a workplace and the necessary equipment, systems and tools that are safe and without risk to the health of his or her workers;

(b) shall, where it is reasonably practicable, provide the information, instruction, training and supervision and facilities that are necessary to ensure the health, safety and welfare of his or her workers;

(c) shall ensure that his or her workers, and particularly his or her supervisors, are made familiar with health or safety hazards that may be met by them in the workplace;

(d) shall, where it is reasonably practicable, conduct his or her undertaking so that persons not in his or her employ are not exposed to health or safety hazards as a result of the undertaking;

(e) shall ensure that his or her workers are given operating instruction in the use of devices and equipment provided for their protection;

(f) shall consult and co-operate with the occupational health and safety committee or the worker health and safety representative on all matters respecting occupational health and safety at the workplace;

(f.1) shall respond in writing within 30 days to a recommendation of the occupational health and safety committee or the worker health and safety representative at the workplace indicating that the recommendation has been accepted or that it has been rejected, with a reason for the rejection;

(f.2) shall provide periodic written updates to the occupational health and safety committee or the worker health and safety representative at the workplace on the implementation of a recommendation accepted by the employer until the implementation is complete;

(f.3) shall consult with the occupational health and safety committee or the worker health and safety representative at the workplace about the scheduling of workplace inspections that are required by the regulations, and ensure that the committee or the worker health and safety representative participates in an inspection; and

(g) shall co-operate with a person exercising a duty imposed by this Act or regulations.

Medical practitioner

20. (1) The minister may obtain the services of a medical practitioner licensed to practice medicine in a province or territory of Canada who has training and experience in occupational health and safety.

(2) Notwithstanding subsection (1), the minister may, where the services of a medical practitioner are required under this Act, obtain the services of a qualified medical practitioner in the province who does not have training and experience in occupational health and safety.

Stop work orders

27. (1) Where the assistant deputy minister or an officer is of the opinion that work is being carried out in a way that the conditions at the workplace pose an immediate risk to the health and safety of workers engaged in the workplace or other persons at or near the workplace, the assistant deputy minister or officer shall, in writing, order the person at the workplace responsible for the work being carried out

(a) to immediately stop all or a portion of the work and to vacate all or a portion of the workplace; and

(b) before resuming the work, to take the remedial measures specified in the order that are in the opinion of the assistant deputy minister or officer necessary to ensure that the work can be conducted without further risk to the health and safety of the workers or other persons at or near the workplace.

(2) Remedial measures ordered under paragraph (1)(b) may be taken notwithstanding the stop order.

(3) Where an order to stop work made under paragraph (1)(a) is in force the employer, subject to the provisions of a collective agreement, may assign a worker directly affected by the order work that is reasonably equivalent to the work that he or she normally performs, but the employer shall continue to pay the worker the wages or salary and grant him or her the benefits that he or she would have received if the order to stop work were not in force.

Remedial measures

28. Where the assistant deputy minister or an officer is of the opinion that a person is contravening this Act or the regulations the assistant deputy minister or officer shall, in writing, order that person to take the remedial measures specified in the order within the time stipulated in the order that are necessary to ensure compliance with this Act and the regulations.

Order re: equipment

29. Where the assistant deputy minister or an officer is of the opinion that a tool, appliance or equipment used by a worker or self-employed person

(a) is not in safe operating condition; or

(b) does not comply with the standards prescribed by the regulations

the assistant deputy minister of officer shall, in writing, order the worker or self-employed person to stop using that tool, appliance or equipment and order the employer to withdraw that tool, appliance or equipment from use.

Order to supplier

30. Where a tool, appliance or equipment described in section 29 is being supplied by a supplier or is being sold by a person the assistant deputy minister or officer may order the supplier or other person to stop supplying or selling the tool, appliance or equipment.

Health and safety program

36.1 (1) Where 10 or more workers are employed at a workplace, the employer shall establish and maintain an occupational health and safety program in accordance with the regulations.

(2) An occupational health and safety program shall be established in consultation with the occupational health and safety committee or the worker health and safety representative at the workplace.

(3) An occupational health and safety program shall include those documents that may be prescribed in the regulations.

(4) An occupational health and safety program shall be in writing and shall, when requested, be provided to the occupational health and safety committee, the worker health and safety representative, a worker at the workplace and an officer.

Committees

37. Where 10 or more workers are employed at a workplace, the employer shall establish an occupational health and safety committee to monitor the health, safety and welfare of the workers employed at the workplace.

Membership of committees

38. (1) A committee shall consist of the number of persons that may be agreed to by the employer and the workers but shall not be less than two nor more than 12 persons.

(2) At least half of the members of a committee are to be persons representing the workers at the workplace who are not connected with the management of the workplace.

(3) The persons representing the workers on the committee are to be elected by other workers at the workplace or appointed in accordance with the constitution of the union of which the workers are members.

(4) Where the employer and workers cannot agree on the size of the committee, the minister may establish its size.

(5) The employer shall appoint sufficient employer representatives to ensure that the committee may function.

(6) The employer and worker members of a committee shall elect a co-chairperson from their respective groups.

(7) The employer shall post the names of the committee members in a prominent place at the workplace.

Committee training

38.1(1) Where 50 or more workers are employed at a workplace, the employer shall provide and pay for training for the members of the occupational health and safety committee at the workplace.

(2) Where 10 to 49 workers are employed at a workplace, the employer shall provide and pay for training for the co-chairpersons of the occupational health and safety committee at the workplace.

(3) The training provided under subsections (1) and (2) shall meet the requirements the Workplace Health, Safety and Compensation Commission may set.

(4) A member of the committee who is provided training under subsection (1) or (2) shall participate in the training.

(5) An employer shall compensate a worker for participating in training under this section as if the training were regular work.

Duties of committees

39. A committee established under section 37

(a) shall seek to identify aspects of the workplace that may be unhealthy or unsafe;

(a.1) shall participate in a workplace inspection that an employer is required by the regulations to conduct;

(b) may make recommendations to principal contractors, employers, workers, self-employed persons and the assistant deputy minister or an officer for the enforcement of standards to protect the health, safety and welfare of workers at the workplace;

(c) shall receive complaints from workers as to their concerns about the health and safety of the workplace and their welfare;

(d) shall establish and promote health and safety educational programs for workers;

(e) shall maintain records as to the receipt and

disposition of complaints received from workers under paragraph (c);

(f) shall co-operate with the assistant deputy minister or an officer who is exercising his or her duties under the Act; and

(g) shall perform those other duties and follow those procedures that may be prescribed by the regulations.

Meetings of committee

40. Meetings of a committee shall take place during regular working hours at least once every three months and a worker is not to suffer loss of pay or other benefits while engaged in a meeting of a committee.

Worker representative

41. (1) Where less than 10 workers are employed at a workplace, the employer shall ensure that a worker not connected with the management of the workplace is designated as the worker health and safety representative to monitor the health, safety and welfare of workers employed at the workplace.

Right to refuse to work

45. (1) A worker may refuse to do work that the worker has reasonable grounds to believe is dangerous to his or her health or safety, or the health and safety of another person at the workplace

(a) until remedial action has been taken by the employer to the worker's satisfaction;

(b) until the committee or worker health and safety representative has investigated the matter and advised the worker to return to work; or

(c) until an officer has investigated the matter and has advised the worker to return to work.

(2) Where a worker refuses to do work under subsection (1) his or her employer may reassign the worker to other work that is reasonably equivalent to the work he or she normally performs and the worker shall accept the reassignment until he or she is able to return to work under subsection (1).

(3) Where a worker is reassigned to other work under subsection (2) the employer shall pay the worker the same wages or salary and grant him or her the same benefits the worker would have received had the worker continued in his or her normal work.

(4) Where a worker has reasonably refused to work under subsection (1) and has not been reassigned to other work under subsection (2) the employer shall pay the worker the same wages or salary and grant the worker the same benefits the worker would have received had the worker continued to work, until he or she is able to return to work under subsection (1).

(5) A reassignment of work under subsection (2) is not discriminatory action under section 49.

Report to supervisor

46. Where a worker exercises his or her right to refuse to work under section 45, or where he or she believes that a tool, appliance or piece of equipment, or an aspect of the workplace is or may be dangerous to his or her health or that of other workers at the workplace or another person at the workplace, the worker shall immediately report it to his or her supervisor.

Report to division

47. Where a worker has made a report under section 46 and the matter has not been remedied to the satisfaction of the worker he or she shall report it, either in writing or orally, to the division or an officer.

OH&S Regulations

Occupational health and safety program

4. (1) An occupational health and safety program required under section 36.1 of the Act shall be signed by the employer and by the person or persons responsible for the management of the employer's operations in the province and shall include:

(a) a statement of the employer's commitment to cooperate with the occupational health and safety committee and workers in the workplace in carrying out their collective responsibility for occupational health and safety;

(b) a statement of the respective responsibilities of the employer, supervisors, the occupational health and safety committee and workers in carrying out their collective responsibility for occupational health and safety;

(c) procedures to identify the need for and for the preparation of, written work procedures to implement health and safety practices, including practices required by the Act and the regulations, or by order of an officer;

(d) a plan for orienting and training workers and supervisors in workplace and job-specific safe work practices, plans, policies and procedures, including for emergency response, that are necessary to eliminate, reduce or control hazards;

(e) provision for establishing and operating an occupational health and safety committee, including

(i) maintenance of membership records,

(ii) procedural rules,

(iii) access for the committee to management staff with the authority to resolve health and safety issues and to access information about the employer's operations required under the Act and the regulations, and

(iv) a plan for training committee members as required under the Act.

(f) a system for the recognition, evaluation and control of hazards that includes:

(i) evaluation and monitoring of the workplace to identify potential hazards and the associated risks,

(ii) procedures and schedules for regular inspections by management and committee members,

(iii) procedures for the identification, reporting and control or correction of hazards,

(iv) procedures for the prompt investigation of hazardous occurrences to determine the cause of the occurrence and the actions necessary to prevent a recurrence,

(v) identification of the circumstances where the employer is required to report hazards to the committee and the procedures for doing so, and

(vi) measures for the accountability of persons responsible for the reporting and correction of hazards;

(g) a plan for the control of biological and chemical substances handled, used, stored, produced or disposed of at the workplace and where appropriate, the monitoring of the work environment to ensure the health and safety of workers and other persons at or near the workplace;

(h) a system to ensure that persons contracted by the employer or for the employer's benefit comply with the program developed under this section and the Act and regulations;

(i) an emergency response plan;

(j) maintenance of records and statistics, including occupational health and safety committee minutes, reports of occupational health and safety inspections and investigations, with procedures to allow access to them by persons entitled to receive them under the Act; and

(k) provision for monitoring the implementation and effectiveness of the program.

(2) An employer that is required to establish and maintain an occupational health and safety program under section 36.1 of the Act shall

(a) implement the occupational health and safety program; and

(b) review and, where necessary, revise the occupational health and safety program

(i) at least every 3 years,

(ii) where there is a change of circumstances that may affect the health and safety of workers, and

(iii) where an officer requests a review.

Occupational health and safety policy

4.1 (1) An occupational health and safety policy required under section 36.2 of the Act shall be signed by the employer and by the person or persons responsible for the management of the employer's operations in the province, and shall contain a statement of the employer's commitment to occupational health and safety that includes:

(a) a statement of the employer's commitment to co-operate with the worker health and safety representative and workers in the workplace in carrying out their collective responsibility for occupational health and safety; and

(b) a statement of the respective responsibilities of the employer, supervisors, the worker health and safety representative and other workers in carrying out their collective responsibility for occupational health and safety.

(2) An employer that is required to establish and maintain an occupational health and safety policy under section 36.2 of the Act shall review and, where necessary, update the policy at least annually, in consultation with the worker health and safety representative.

Health and safety committee

21. (1) An employer shall ensure that an occupational health and safety committee is established under the Act, or shall ensure that a worker health and safety representative is appointed under the Act.

(2) Minutes of all regular meetings and special committee meetings shall be recorded in the form prescribed by the commission and one copy shall be kept on file with the committee, one copy shall be filed with the commission and one copy shall be posted in the workplace.

(3) A worker health and safety representative shall report to the commission in a form prescribed by the commission.

(4) The occupational health and safety committee at a workplace shall meet within two weeks of its formation and shall then select co-chairpersons as required in subsection 38(6) of the Act, and notify the Commission.

(5) A quorum shall consist of one-half of the membership of the committee provided that both employer and worker members are represented.

(6) Rep. by 100/98 s5

(7) At a workplace, the assistant deputy minister may by reason of particular hazards and complexity of operations of large number of workers involved, require meetings of a committee to be held at least monthly.

(8) A representative of the employer and the workers of the occupational health and safety committee or the worker health and safety representative have the right to accompany an officer of the division when health and safety inspections are being conducted.

(9) Copies of all health and safety inspection reports made by an officer of the division, which in the opinion of the division warrant circulation, shall be circulated to the employer and the occupational health and safety committee or worker health and safety representative.

(10) Reports not previously circulated but subsequently requested by the employer, the committee or the representative shall be provided.

Refusal to work

22. (1) The assistant deputy ministers shall be notified of a refusal to work, where the problem has not been resolved by the employer, and that problem is passed to the occupational health and safety committee or the worker health and safety representative.

(2) This notification may be made orally but shall be followed up in writing.

(3) Where action has been taken by a worker to exercise the right to refuse to work under the *Occupational Health and Safety Act*, the employer shall not assign another worker to perform those duties unless the substitute worker has been informed of the prior refusal and the reason or reasons for that refusal.

Appendix B

Sample Terms of Reference

The terms of reference developed by the members of an OH&S committee should be based on the workplace in which they are employed. Every workplace is unique; therefore, the terms of reference developed by each OH&S committee will be unique. The information contained in this document will serve as a sample for OH&S committees. It should not be copied or used as an official terms of reference.

1. OH&S Committee's Name

The official name of this OH&S committee is: OH&S Committee, ABC Limited, 123 Main Road.

2. Purpose of the OH&S Committee

The OH&S committee has a responsibility to monitor the health, safety and welfare of the workers at this workplace. It will carry out this legislative responsibility by monitoring all aspects of the OH&S program. Our aim is to go beyond the minimum requirements of the legislation. We will work closely with the employer (or employer designate) to monitor OH&S in the workplace.

Members of the OH&S committee will encourage all staff in the workplace to forward their OH&S concerns to their immediate supervisor as the first step in resolving OH&S concerns. The aim is to encourage a positive OH&S culture where all workers take responsibility for their own health and safety while at work and the health and safety of their co-workers.

3. OH&S Committee Training

Because this workplace has 100 workers, all members of the OH&S committee will receive OH&S certification training. A plan to attend certification training will be made within three months of a person becoming a new member of the OH&S committee.

Structure

4. Make up of the OH&S Committee

In this workplace, there are a total of 100 workers (approximately 10 percent are part-time workers) 10 management, 65 unionized workers (members of three union locals) and 25 non-unionized workers.

The OH&S committee will consist of two (2) employer members and four (4) worker members:

- two employer members are to be appointed by the employer
- one worker member is to be elected by each of the three locals in the workplace (total of three worker representatives from unionized workers)
- one worker member is to be elected by the non-unionized workers
- every effort will be made to have full-time and part-time workers represented on the OH&S committee

If the number of workers at the workplace significantly changes, the "make up" of the OH&S committee will be reviewed.

5. Duties of Co-chairs

The employer and worker members will elect a co-chair from their respective groups to perform the following duties.

Co-chairs will take turns chairing committee meetings and will perform the following duties:

a. schedule meetings and distribute agenda two weeks prior to the meeting

b. encourage participation of all members

c. involve members in problem solving and decision making

d. send recommendations, with supporting documents, to the employer

e. assign members of the OH&S committee to followup on recommendations

f. review accident/incident (A/I) statistics

g. invite special guests to attend meetings when appropriate

h. sign minutes

i. ensure minutes are distributed appropriately

j. take part in work refusals where appropriate

k. other duties appropriate to monitoring the OH&S program at the workplace

6. Duties of the OH&S Committee Secretary

The secretary will be responsible for providing all secretarial support to the OH&S committee. The secretary is not considered a member of the OH&S committee and will have no role in discussions or decision making during OH&S committee meetings.

The secretary will perform the following duties:

a. maintain accurate records of the documents listed in "item #19" below

b. prepare the agenda developed by the co-chairs

c. distribute the agenda to OH&S committee members a week before the meeting

d. take minutes of OH&S committee meetings

e. ensure minutes are signed by co-chairs

f. within one week of the OH&S committee meeting, distribute minutes to the Commission, the employer, the OH&S committee members

g. within one week of the OH&S committee meeting post the minutes on the bulletin boards in the cafeteria and at each of the building entrances (four entrances)

h. prepare and distribute other correspondence as required by the committee

If the secretary is not available to take minutes, the co-chair will appoint a member of the OH&S committee to take the minutes and forward them to the secretary for processing.

7. Length of Time to be Served on the OH&S Committee

a. maximum of four consecutive years for worker members

b. maximum of four consecutive years for employer members

c. co-chairs may hold that office for a maximum of two consecutive years

Functions

8. Responsibilities of OH&S Committee Members

The members of the OH&S committee will:

- attend committee meetings
- monitor the elements of the OH&S program in the workplace
- promote activities that reflect a healthy and safe culture in the workplace
- receive complaints from other workers [*OH&S Act*, subsection 39(c)]
- communicate regularly to workers on the progress of their issues [*OH&S Act*, subsection 39(c)]
- lead by example follow safe work practices and procedures
- investigate work refusals [*OH&S Act*, paragraph 45(1)(b)]
- participate in making recommendations
- followup on recommendations as required
- consult with the employer about the scheduling of workplace inspections [section 5 of the *OH&S Act*]
- participate in workplace inspections (*OH&S Act*, section 39)
- participate in accident/incident investigations
- review OH&S documents such as workplace inspection reports, accident/incident investigation reports, the Commission's quarterly injury notification reports, safe work practices and procedures, etc.
- make recommendations to the employer or others in the workplace [*OH&S Act*, subsection 39(b)]

9. Role in Work Refusals

The OH&S committee will document its involvement in all work refusals.

When a worker approaches a member of the OH&S committee and advises that member that he/she has exercised the right to refuse unsafe work:

a. confirm the worker reported the unsafe condition to the supervisor [*OH&S Act*, paragraph 45(1)(a)] (if the worker did not report to the supervisor, advise him/her to do so immediately)

b. ask the supervisor if the work refusal was investigated and if so, ask the supervisor for the results of the investigation

c. investigate the work refusal [*OH&S Act*, paragraph 45(1)(b)] by conducting a physical inspection of the hazard with the worker and asking the worker to explain what is unsafe or unhealthy

d. bring the findings to the OH&S committee members

e. if all members find that the work is safe and healthy, advise the worker to return to work

f. if one or more of the members find the work is unsafe or unhealthy, make a recommendation to the employer to implementation corrective action

g. if the hazard is controlled to the satisfaction of the OH&S committee members, advise the worker to return to work

h. in situations where

   i. the OH&S committee members cannot reach a unanimous decision to advise the worker to return to work or

   ii. the work situation is not resolved to the worker's satisfaction advise the worker to report the work refusal either in writing or orally to the Occupational Health and Safety Branch, Department of Government Services [*OH&S Act*, paragraph 45(1)(b)]

An officer from the OH&S Branch will investigate the work refusal. The OH&S committee should cooperate with officers by providing them with documentation concerning the work refusal.

The worker involved and a member from the OH&S committee will accompany officers when they investigate the work refusal.

If officers find the work situation to be safe and healthy, they will advise the worker to return to work. If officers find the work to be unsafe or unhealthy, they may issue a "stop work order" or a "directive."

10. Monitoring the OH&S Program

The OH&S committee continually monitors the OH&S program in a formal manner and on an ongoing basis and communicates its status to the employer. The OH&S committee may use section 4 of the OH&S Regulations as the minimum standard and the best practices developed in the workplace by which to review the effectiveness of the OH&S program.

A sample schedule for monitoring the OH&S program could be as follows:

In January of each year, the following components will be monitored:

- Leadership and administration
- OH&S education and training
- Communications
- OH&S committee
- Safe work practices and procedures

In July of each year the following components will be monitored:

- Hazard recognition, evaluation and control
- Workplace inspections
- A/I investigations
- Emergency preparedness
- Disability management

If it is found that there are parts of the OH&S program not developed, implemented or evaluated, the OH&S committee will make appropriate recommendations to the employer.

11. Making Recommendations

Decisions regarding recommendations for corrective action are to be reached through consensus and not by majority vote. When making decisions, the following process will be followed:

- Identify the OH&S issue
- Review supporting information

- Generate alternate solutions
- Decide upon recommendation
- Forward recommendations to appropriate person (include all supporting information)

Recommendations will be forwarded to the appropriate people, the employer, a supervisor or a manager. All recommendations will include the rationale for the recommendation and be in writing and dated.

12. Follow-up of Recommendations

Members of the OH&S committee will be given responsibility for following up on recommendations for corrective action. Followup includes:

- reviewing the employer's written response to recommendations within 30 days after forwarding the recommendations
- following up with the employer on recommendations where a written response is not received within 30 days
- following up on recommendations forwarded to supervisors or managers within 30 days
- reviewing written updates from the employer on the implementation of recommendations accepted by the employer until the implementation is complete
- monitoring the implementation of recommendations forwarded to supervisors or managers every 30 days until the implementation is complete
- reporting the progress of recommendations at regular OH&S committee meetings
- ensure this hazard is added to the workplace inspection checklist so that the corrective action can be monitored for effectiveness
- items should stay on the agenda until such time as the recommendations are implemented and checked for effectiveness. All followup on recommendations should be documented and should include a completion date.

13. Evaluating the OH&S Committee

In December of every year, the OH&S committee will use "**Appendix D** - OH&S Committee Evaluation Form" to evaluate its own effectiveness.

A copy of the completed evaluation form is to be sent to the employer by December 31 of each year.

14. Reviewing the Terms of Reference

The terms of reference will be reviewed and revised if necessary at the January meeting each year. If there are revisions to the terms of reference, the employer and both co-chairs will sign and date the new document.

At the time of development and revisions, the terms of reference will be signed and dated by the employer, or the employer designate at the workplace, and the two co-chairs.

Meetings

15. Schedule of Meetings

The OH&S committee will meet at 9 a.m. the first Wednesday of each month in the board room in the human resources department.

16. Meeting Agenda

The agenda will be prepared by the co-chairs. They will ensure the OH&S committee members and other staff are asked for their OH&S concerns. The agenda will be used to keep the meeting on track. The co-chairs will ensure the agenda is distributed to OH&S committee members at least one week prior to meetings.

The items on the agenda will reflect OH&S issues; and each item will link in some way with the OH&S program at the workplace. If the agenda item does not link to the OH&S program, then it may be taken off the agenda and sent to the appropriate group within the workplace.

As a means of ensuring all items on the agenda link directly with the OH&S program, at each OH&S committee meeting, the following process will be used to review each agenda item.

1. How does this item relate to the OH&S program?

2. What action is required and by whom?

This process will be reviewed as "Item #1" on the agenda of every OH&S committee meeting.

See **Appendix E** – "Simulation OH&S Committee Meeting" for an example of how this process may be used during an OH&S committee meeting.

The following items should be forwarded to the agenda of the next meeting:

- items where action is required
- items where followup is required
- unfinished items

OH&S committee members who were assigned action items, follow-up on items, or follow-up on recommendations are responsible to provide a status report at the following meeting.

17. Quorum

The OH&S committee considers a quorum to exist when at least two employer members and at least two worker members are present at an OH&S committee meeting. Meetings will take place only if a quorum is present.

If there is not a quorum at an OH&S committee meeting, the meeting will be rescheduled for one week from the regular meeting time.

Co-chairs are to ensure all members are notified about

a. the postponed meeting

b. the importance of attending the rescheduled meeting

c. the time, date and place of the rescheduled meeting

18. Issues Not to be Discussed Meetings

The following will not be discussed at OH&S committee meetings:

- labour management issues
- disciplinary or personnel matters
- discussion of union business

If a worker brings a concern to the OH&S committee meeting which is not within its scope, the co-chair may put the item on the agenda merely to let the members know the item was brought forward. The co-chair will then direct the item to the appropriate group within the workplace.

Employers must ensure that the OH&S program includes a procedure for reporting hazards [OH&S Regulations, paragraph 4(1)(f)(iii)]. As a best practice, the first step in the reporting process is to report the hazard to the immediate supervisor. The OH&S committee should only receive issues that have not been resolved at the supervisor's level. Therefore, when workers bring OH&S issues to the OH&S committee, a check should be made to ensure the first reporting step was followed. If the issue was not reported to the supervisor, the worker should be advised to bring the issue back to the supervisor for resolution.

19. Records to be Reviewed at Meetings

The OH&S committee will maintain records pertaining to OH&S and will review the following records during each regularly scheduled meeting:

- workplace inspection reports (committee members are required to work with the employer to schedule the workplace inspections; they should participate in workplace inspections and may also be involved in conducting workplace inspections)
- A/I investigation reports (All information pertaining to workers should be removed from the A/I investigation reports before being brought to the OH&S committee. This information is used to identify OH&S trends.)
- the quarterly "Injury Notification Report" from the Commission
- workers' concerns about OH&S
- hazard recognition, evaluation and control reports

- documentation of employer's response to recommendations
- number of work refusals involving the OH&S committee
- other reports related to the OH&S program at the workplace

_____

Employer Co-chair signature *date*

_____

Worker Co-chair - signature *date*

_____

Employer signature - highest level of the workplace *date*

_____

Employer signature - highest level of organization *date*

APPENDIX C – Sample OH&S Committee Minutes Report Form

Workplace Health, Safety and Compensation Commission
146-148 Forest Road, P.O. Box 9000, St. John's, NL A1A 3B8
Telephone: (709) 778-1552 Toll-Free 1-800-563-9000 Fax: (709) 778-1564

Occupational Health & Safety Committee
MINUTES REPORT FORM

Firm Number: _____ Site Number _____

PART I – EMPLOYER

EMPLOYER (head office information)	EMPLOYER REPRESENTATIVES	PRESENT YES	PRESENT NO
Company name: Cavsation Company	Co-chair: Joe Smith Certificate No.: 999999	☑	☐
Mailing address: 1 Root Road	Members: John Black Certificate No.:	☑	☐
Nowhere (CITY) NL (PROVINCE) H0H 8B3 (POSTAL CODE)	_____ Certificate No.:	☐	☐
Site location address: 1 Root Road	_____ Certificate No.:	☐	☐
Total number of employees on site: 100	_____ Certificate No.:	☐	☐
Telephone number: 555-1234 Fax number: 555-4321	_____ Certificate No.:	☐	☐
Seasonal operation: ☐ Yes ☑ No	**WORKER REPRESENTATIVES**	**PRESENT YES**	**PRESENT NO**
Date of meeting: 2004 (YEAR) 01 (MONTH) 22 (DAY)	Co-chair: Jane Doe Certificate No.: 999998	☑	☐
Was an agenda used? Yes ☑ No ☐	Members: Mary Smith Certificate No.:	☑	☐
Number of issues deferred to next meeting: 0	Jack Quick Certificate No.: 999997	☐	☐
Date of next meeting: 04 (YEAR) 02 (MONTH) 26 (DAY)	Harry Moore Certificate No.:	☐	☐
	_____ Certificate No.:	☐	☐
	_____ Certificate No.:	☐	☐

PART II – OH&S COMMITTEE ACTIVITY

Workplace Inspections

Since the last meeting indicate the following:

No. of inspections conducted 0

No. of issues identified 0

Were there issues for follow-up?

☐ Yes *(record in Summary of Issues Part III)* ☑ No

Accident/Incident Investigation

Since the last meeting indicate the following:

No. of Accident/Incident investigations conducted 1

No. of Accident/Incident reports reviewed 1

Did the committee review the Quarterly Injury Notification Report received from the Workplace Health, Safety and Compensation Commission? ☑ Yes ☐ No

Were there issues for follow-up?

☐ Yes *(record in Summary of Issues Part III)* No ☑

Workplace Complaints

Since the last meeting indicate the following:

No. of complaints received 3

Were there issues for follow-up?

☑ Yes *(record in Summary of Issues Part III)* ☐ No

Work Refusal

Did the committee review or participate in any "right to refuse unsafe work" situations since the last meeting?

☐ Yes ☑ No

No. of right to refuse unsafe work situations 0

Were there issues for follow-up?

☐ Yes *(record in summary of issues Part III)* ☑ No

Section 36.1(2) of the *OH&S Act* requires the employer to establish an OH&S program "in consultation with the [OH&S] committee...at the workplace." As a means of monitoring the OH&S program, the committee should review the different parts of the program to ensure they are effective. In the following section, please indicate the OH&S committee's involvement with the program and whether or not the program elements are effective.

	INITIATED YES	INITIATED NO	DATE YY MM DD	OH&S COMMITTEE CONSULTED YES	OH&S COMMITTEE CONSULTED NO	OH&S COMMITTEE REVIEWED YES	OH&S COMMITTEE REVIEWED NO	DATE YY MM DD	EFFECTIVE YES	EFFECTIVE NO
Leadership and Administration	✓		2003 01 05	✓		✓		2003 02 15	✓	
OH&S Committee	✓		2003 01 05					ongoing	✓	
Communication										
Education and Training										
Safe Work Practices and Procedures										
Hazard Recognition, Evaluation and Control										
Accident/Incident Investigations	✓		2003 02 17	✓		✓		2003 02 28	✓	
Workplace Inspections	✓		2003 02 12	✓		✓		2003 02 17	✓	
Emergency Preparedness										
Disability Management	✓		2003 03 01	✓		✓		ongoing	✓	
Ergonomics										
Other										

PART III – SUMMARY OF ISSUES *(attach a separate sheet if necessary)*

ISSUES SHOULD BE CARRIED FORWARD AT EACH MEETING UNTIL SUCH TIME AS THE ISSUES ARE COMPLETE

ITEM NO. & DATE	ISSUE(S)	CAUSE(S)	RECOMMENDATION(S)	FOLLOW-UP BY	DATE FORWARDED TO EMPLOYER	RECOMMENDATIONS IMPLEMENTED Y/N (date)
#1 Dec. 22, 2003	Burnt out light on exit dorr	- system for reporting hazards - inadequate	- light replace immediately	Joe Smith	-	(y) – an. 16, 2004
		- not included in workplace inspections	- include exit lighting in inspections - policy for reporting hazards	Jane Doe Joe Smith	Dec. 28, 2003 Dec 03, 2003	update from employer Jan 22, 2004
#2 Dec. 22, 2003	PPE - safety boots	- increased hazards in some areas - policy not in place re: safety PPE	- develop PPE policy	Joe Smith	Jan. 26, 2004	
		- training/education of workers	- provide training to all employers exposed to high risks areas	Joe Smith	Jan. 26, 2004	
#2 Jan. 22, 2003	Cluttered storage room (rec. area)	- safe work practices not being followed	- review policy with employers	John Black		(y) – Jan. 5, 2004
		- poor housekeeping	- conduct informed inspections weekly	Harry Moore	Dec. 23, 2003	
		- workplace inspections	- use check lists daily	Harry Moore		(y) – Jan. 16, 2004

SIGNATURE OF CO-CHAIRS:

Joe Smith
Employer Co-chair

Jane Doe
Worker Co-chair

Date 2004 (YEAR) 01 (MONTH) 29 (DAY)

Date 2004 (YEAR) 01 (MONTH) 29 (DAY)

Before returning this copy to the Commission, please ensure two copies are made – one to post in the workplace and one for the OH&S committee's file. The original must be sent to the Commission.

APPENDIX C – Sample OH&S Committee Minutes Report Form

Appendix D — Sample OH&S Committee Evaluation Form

1. **Purpose of the OH&S Committee**
   - ☐ Do all members understand the purpose of the OH&S committee?

2. **Employer Support**
   - ☐ Does the OH&S committee cooperate with the employer in all OH&S initiatives at the workplace?
   - ☐ Does the employer consult with the OH&S committee during the development of the OH&S program?
   - ☐ Does the employer consult with the OH&S committee when scheduling workplace inspections?
   - ☐ Does the OH&S committee participate in workplace inspections?
   - ☐ Does the OH&S committee work with the employer to resolve work refusals?
   - ☐ Does the employer and the OH&S committee work together to monitor the OH&S program?
   - ☐ Are the names of the OH&S committee posted in a prominent place in the workplace?

3. **OH&S Committee Training**
   - ☐ Have appropriate OH&S committee members received certification training?

   Have all OH&S committee members received training in:
   - ☐ the functions of the OH&S committee?
   - ☐ their legislative responsibility?
   - ☐ consensus building?
   - ☐ hazard recognition, evaluation and control?
   - ☐ workplace inspections?
   - ☐ accident/incident investigations?

4. **Employer Representatives, Worker Representatives and Areas Represented**
   - ☐ Is the number of employer representatives on the OH&S committee satisfactory?
   - ☐ Is the number of worker representatives on the OH&S committee satisfactory?
   - ☐ Are all the work areas of the workplace represented on the OH&S committee?

5. **Term on the OH&S Committee**
   - ☐ Have new OH&S committee members been elected or appointed based on members' term on the committee?

6. **OH&S Committee Co-Chairs**
   - ☐ Were the co-chairs elected by their respective groups?

7. **Duties of OH&S Committee Co-chair**

   Do OH&S committee co-chairs
   - ☐ take turns chairing OH&S committee meetings?
   - ☐ schedule OH&S committee meetings in consultation with other members?
   - ☐ encourage participation of all members during OH&S committee meetings?
   - ☐ involve members in problem solving and decision making?
   - ☐ send recommendations, with supporting documents, to the employer when appropriate?
   - ☐ assign members of the OH&S committee to follow up on recommendations?
   - ☐ provide the secretary with agenda items two weeks prior to each OH&S committee meeting?
   - ☐ review accident/incident statistics?
   - ☐ invite special guests to attend OH&S committee meetings when appropriate?
   - ☐ sign minutes?
   - ☐ ensure minutes are distributed appropriately?
   - ☐ take part in work refusals where appropriate?

8. **OH&S Committee Secretary**
   - ☐ Does the secretary attend all regularly scheduled OH&S committee meetings?

9. **Duties of the OH&S Committee Secretary**

Does the secretary
   - ☐ maintain accurate records?
   - ☐ prepare the agenda for each regularly scheduled OH&S committee meeting?
   - ☐ distribute the agenda to OH&S committee members a week prior to each meeting?

- ☐ take minutes of OH&S committee meetings
- ☐ post the minutes in the appropriate places as outlined in the terms of reference
  - within one week after the meeting, distribute minutes to
  - the Commission?
  - the employer?
  - OH&S committee members?

10. Other Committees at the Workplace

Do the following committees provide quarterly reports to the OH&S committee

- ☐ ergonomics committee?
- ☐ employee wellness committee?
- ☐ workplace inspections committee?
- ☐ accident/incident investigation committee?

11. OH&S Committee Meetings

- ☐ Did the OH&S committee meet every month in the last year?

12. Quorum for OH&S Committee Meetings

- ☐ Was there a quorum present for every OH&S committee meeting?
- ☐ If there was an OH&S committee member who could not attend regularly scheduled meetings, was the correct process followed according to the terms of reference?

13. Special Meetings

- ☐ Was the correct process followed if special OH&S committee meetings were called?

14. OH&S Committee Meeting Agenda

- ☐ Was an agenda prepared for each OH&S committee meeting?
- ☐ Was an agenda prepared for each OH&S committee meeting?
- ☐ Were OH&S committee and other staff asked for their OH&S concerns?
- ☐ Was the agenda used to keep OH&S committee meetings on track?
- ☐ Did the co-chairs ensure distribution of the agenda to members at least one week prior to meetings?
- ☐ Was each agenda item reviewed to determine
  - if it related to the OH&S program
  - if action was required

- ☐ Are agenda items concluded by definite recommendations for action?
- ☐ If items required action, were they put on the agenda for the next meeting?
- ☐ If items required follow up, were they put on the agenda for the next meeting?
- ☐ Were unfinished items always put on the agenda for the next meeting?
- ☐ Did OH&S committee members always provide a status reports when assigned items for action, follow up, or on recommendations?

15. Issues Not to be Discussed at OH&S Committee Meetings

- ☐ Were all agenda items not related to OH&S forwarded to the appropriate people within the workplace?

16. Records to be Reviewed and Maintained by the OH&S Committee

Did the OH&S committee maintain

- ☐ workplace inspection reports?
- ☐ accident/incident investigation reports?
- ☐ the quarterly "Injury Notification Report" from the Commission?
- ☐ workers' OH&S concerns and how they were resolved?
- ☐ hazard recognition, evaluation and control?
- ☐ purchase orders for new equipment or furniture?
- ☐ documentation of employer's response to recommendations?
- ☐ other reports related to the OH&S program at the workplace?

17. Monitoring the OH&S Program

- ☐ Did the OH&S committee participate in the OH&S program?

Did the co-chairs ensure the following components of the OH&S program were formally monitored in the past year:

- ☐ Leadership and administration?
- ☐ OH&S education and training?
- ☐ Communications?
- ☐ OH&S committee?
- ☐ Safe work practices and procedures?
- ☐ Hazard recognition, evaluation and control?
- ☐ Workplace inspections?
- ☐ Accident/Incident investigations?
- ☐ Emergency preparedness?
- ☐ Disability management?

18. Making Recommendations

- ☐ Are the decisions by the OH&S committee reached through consensus?

Were the following steps used when making recommendations

- ☐ issue identified?
- ☐ supporting information reviewed?
- ☐ alternate solutions generated?
- ☐ recommendation made?
- ☐ recommendation (with supporting information) forwarded to appropriate person?
- ☐ recommendation monitored (the employer is expected to respond in writing to recommendations within 30 days of receiving them)?

- ☐ Was each step used to make recommendations documented?
- ☐ Were all recommendations forwarded to the appropriate person?

19. Follow-up on Recommendations

- ☐ Do OH&S committee members follow-up on corrective action appropriately and report back to the committee until such time as the corrective action is implemented?
- ☐ Do OH&S committee members monitor corrective action to ensure it is effective?
- ☐ Are OH&S committee members assigned responsibility for follow-up on recommendations?

20. Evaluating the OH&S Committee

- ☐ Was a copy of this evaluation completed and a copy sent to the employer by December 31?

21. Reviewing the Terms of Reference

- ☐ Were the terms of reference reviewed?
  - If changes were made to the terms of reference due to the review, d the employer sign and date the new document?
  - If changes were made to the terms of reference due to the review, did both co-chairs sign and date the new document?

22. Signatures

- ☐ Was the terms of reference signed by the employer representative who is at the highest level of management at the workplace?
- ☐ Was the terms of reference signed by the employer?
- ☐ Was the terms of reference signed by the employer co-chair?
- ☐ Was the terms of reference signed by the worker co-chair?

Appendix E
Simulation OH&S Committee Meeting

CASE STUDY

Causation Company is a manufacturing company that employs 100 workers at its Root Road workplace. The date of the last OH&S committee meeting was December 16, 2003. The OH&S committee consists of two (2) employer members and four (4) worker members. Currently one-half (½) of the members have completed their certification training for OH&S committees.

The following information is presented as a simulation of a workplace OH&S committee meeting to provide OH&S committee members with an example of how a meeting may be conducted.

SAMPLE AGENDA
EXECUTIVE MEETING ROOM
2:00 P.M. - 3:00 P.M.
JANUARY 22, 2004

1. Review minutes from the previous meeting December 16, 2003
2. Welcome new staff
3. Review agenda items
4. Training
5. Summary Statistics
   - Workplace Inspections
     - No. of inspections conducted
     - No. of issues identified
     - Issues for follow-up
   - Injury Notification Report (provided by the Commission)
     - Issues for follow up
   - Accident/Incident Investigations
     - No. of accident/incident investigations conducted
     - No. of accident/incident reports reviewed
     - Issues for followup

- No. of accident/incident reports reviewed
- Issues for follow-up
- Workplace complaints
- No. of complaints received
- Issues for follow-up

- **Work Refusals**
  - No. of right to refuse unsafe work situations
  - Issues for follow-up

6. **Review of OH&S program elements**

7. **Issues**

- Item #1 Burnt out light on "exit" door
- Item #2 Employer is requiring workers to wear safety boots but is not covering the cost
- Item #3 Cluttered storage room in the "Receiving Department"

8. **Confirm Date and Time for Next Meeting**
   - The next meeting is scheduled for Thursday, February 26, 2004, 2:00 p.m. 3:00 p.m., in the Executive Meeting Room.

SIMULATION
OH&S COMMITTEE MEETING
EXECUTIVE MEETING ROOM
2:00 P.M. - 3:00 P.M.
JANUARY 22, 2004

1. **Review minutes from the previous meeting**

   Co-chair asked if there were any omissions or edits to the minutes of the last meeting - December 16, 2003. No changes were made.

   The co-chair notes that all members of the committee are present.

2. **Welcome new staff**

   The co-chair welcomed a new OH&S committee member to the meeting.

3. **Review agenda items**

   The co-chair reviews the agenda and discusses "how" the OH&S committee members will deal with agenda items. This keeps everyone focused on the OH&S program. The process includes a review of two questions about each agenda item.
   - How does this item relate to the OH&S program?
   - What action is required and by whom?

4. **Training**

   The co-chair notes that only ½ of the OH&S committee members have completed their certification training for OH&S committees. The three (3) remaining members are scheduled for training next month.

5. **Summary statistics**

   Workplace inspections
   There were no workplace inspections carried out in the past month. The manager of human resources will meet with the co-chairs of the OH&S committee and the workplace inspection teams within the next four weeks to plan the workplace inspections for the year.

Injury notification report

The committee reviewed the "Injury Notification Report" that outlines the work-related injuries accepted by the Commission in the last quarter of 2003. This information can be used to identify trends in the workplace and includes:

- types of claims medical aid only, lost time or report only
- date of injury
- source of injury
- part of body
- nature of injury
- type of accident

How does this report relate to the OH&S program?

The injury notification report links directly with the investigations component of the OH&S program. The report listed five lost-time injuries in the previous month and seven medical aid only claims.

Accident/Incident Investigations

The OH&S committee has only received one investigation report in the last month.

Note: investigation reports that are sent to the OH&S committee should not include any identifying information about the injured worker.

The OH&S committee members discuss the investigations procedure. The following is noted:

- in the case of serious injury or property damage, or injuries that result in lost time from work, the investigation team must be notified immediately by the manager (or the manager designate) of the work area and an investigation started as soon as possible. All investigation reports are to be sent to the human resources department who forwards them to the OH&S committee.
- in the case of minor injuries where there is no lost time from work or where there is minor property damage, or where there was an "incident" (near miss) that had the potential for serious injury or property damage, the manager (or manager designate) of the work area must complete an investigation and send their reports to the human resources department who forwards them to the OH&S committee.

After some discussion, the committee agreed that the investigation procedure is not being followed. However, it was difficult to establish the reason for this. The committee agreed they needed to gather more information.

Action Item

1. As a means of determining why the investigation procedure is not being followed, the co-chairs will meet with the manager of human resources and complete a review of:
   a. the most recent injury notification report from the Commission
   b. the investigation procedure
   c. training records for managers and investigation team

2. The co-chairs will bring their findings, and any actions taken by human resources, back to the OH&S committee's meeting next month.

Workplace Complaints

- In December, three hazards were reported:
  - torn carpet on the back staircase; resolution carpet replaced by the maintenance department
  - electrical appliances were shorting out in the staff lunch room; resolution the power bar was replaced and the manager noted that if the problem continued, the maintenance department would be notified
  - storage of files was causing the filing clerk to awkwardly reach when filing; resolution most frequently used files were moved to a more accessible area

- In January, a worker had a concern about the sick leave policy and wanted the OH&S committee to review the policy and respond to the concern.

How does this item relate to the OH&S program?

The sick leave policy is included in the disability management program at the workplace. The OH&S committee members were consulted in the development of the disability management program. The committee sees its role as limited to ensuring workers are informed about disability management; and supporting the early and safe return-to-work part of the disability management program.

Therefore, the OH&S committee members agree that this is a human resources issue and should not be discussed at the OH&S committee meeting.

What action is required and by whom?

Action Item

The committee member from the finance department will write to the worker

a. explain that a review of the sick leave policy and a response to the worker's concern is not within the scope of the OH&S committee (as outlined in the terms of reference); and
b. advise the worker to bring the concern to the area supervisor or to the manager of the HR department.

Work Refusals

The co-chair noted there were no work refusals to report.

6. Review of OH&S program elements

The members reviewed four safe work practices and procedures that had been developed by the Human Resources Specialist pertaining to the following:

- forklift operation in the warehouse
- manual handling
- working alone and
- visitor access to the warehouse

7. Issues

Item #1 Burnt out light on exit door, December 27, 2003

One of the workers brought this item to a member of the OH&S committee.

How does this item relate to the OH&S program?

The committee discussed how this item reached the OH&S committee without being resolved at the supervisor level. The facts are that the worker reported the hazard to an OH&S committee member and the member brought it to the committee meeting.

In determining how this item relates to the OH&S program, the committee discussed the following: is there a process for reporting hazards; have workers been trained in the hazard reporting process; and are regular workplace inspections carried out?

After some discussion, there appeared to be two main concerns:

1. communication about the hazard reporting procedure had not been effective
2. communication to OH&S committee members regarding their role in the hazard reporting procedure had not been effective

There is a written "hazard reporting procedure" in the workplace which states workers are to report hazards to their supervisor immediately; and if the hazard is not controlled in a reasonable time frame, the worker is to report to the OH&S committee.

What action is required and by whom?

Action Item

1. The OH&S committee secretary is asked to report this hazard to the supervisor of the maintenance department as soon as this meeting is over.

The hazard reporting procedure was reviewed by the OH&S committee. Members were reminded to stress that workers are to follow the proper procedure when reporting hazards to report hazards to their supervisor immediately. If there is no action taken to control the hazard, then the worker should report it to the OH&S committee.

Action Item

1. By the end of the month, the co-chairs will bring the following recommendations to the manager of the HR department with an explanation of why they are needed.

   a. Send a message to all workers reminding them of the hazard reporting procedure which states that if anyone sees an unsafe condition or act, they are to report it to their supervisor immediately.

   b. Ask all supervisors to reinforce this message to their staff.

Item #2 Employer is requiring workers to wear safety boots but is not covering the cost, January 4, 2003

How does this item relate to the OH&S program?
Some workers brought this concern to the OH&S committee.

The OH&S committee agrees that there are areas of the workplace where it is necessary to wear safety boots. This is linked to two components of the OH&S program hazard recognition, evaluation and control; and education training.

However, the committee's responsibility is to monitor training to determine if workers and supervisors are trained in the need to wear safety boots and in the use and maintenance of personal protective equipment/clothing.

The issue of who pays for the safety boots is an employer/worker issue and is outside the scope of the OH&S committee.

What action is required and by whom?

Action Item

1. The member of the OH&S committee from the human resources department will write to the workers who brought this concern to the OH&S committee. This correspondence will explain the need to wear the boots and advise them to forward their concern to the worker/management committee

Item #3 Cluttered storage room in the Receiving Department, January 17, 2003

How does this item relate to the OH&S program?
This item could be related to any of the following: workplace inspections, communication, education and training, safe work practices and procedures, and the hazard reporting process. If these components of the OH&S program were effective, this issue would have been resolved at the department level.

What action is required and by whom?
As a temporary measure, the OH&S committee will send a communication to the supervisor of the receiving department and ask that she have the storage room organized to ensure the workers' safety.

Action Item

1. The secretary will prepare the communication for the supervisor of the receiving department within the following week and give it to the co-chairs to sign.
2.. The co-chairs will sign the communication and forward it to the supervisor of the receiving department.

The OH&S committee still have a few concerns about the safe housekeeping practice in the receiving department:

- although the employer recently sent a communication to all workers informing them that, as a first step, they are to bring concerns about unsafe conditions or acts to the work area supervisor to be resolved, this concern was brought to the OH&S committee; why was the issue not resolved at the departmental level?
- the most recent workplace inspection report noted no problem with this storage room at the time of that inspection; why is it a problem now?
- the supervisor in the receiving department helped to develop and write the safe housekeeping practices for her work area; why are the staff not following the practice?
- in reviewing the safe housekeeping practices for the receiving department, the OH&S committee noted that there is no specific person responsible for keeping the storage free of clutter?

Action Item

1. The employer co-chair and one other member of the OH&S committee will ask to meet with the supervisor and at least one of the staff in the receiving department and discuss the following:
   a. should the person responsible for keeping the storage room in order be clearly identified in the procedure; and
   b. should a process for compliance with the new procedure be clearly outlined?

8. Confirm Date and Time for Next Meeting
The next meeting is scheduled for Thursday, February 26, 2004, 2:00 p.m.

Program: PS509
Run Date: 2004/03/31
Run Time: 22:19:48

Workplace Health, Safety & Compensation Commission of NF & Labrador

P.O. Box 9000, St. John's, Newfoundland A1A 3B8

Sample: INJURY NOTIFICATION REPORT
REPORTING PERIOD: 20040101 - 20040331

B.CRADDICK
Washing Board Inc.
P.O. Box 25000
St. John's, NL A1A 4Z8

Firm No: 110002 Site: #2

CLAIM TYPE:	INJURY DATE:	SOURCE OF INJURY:	PART OF BODY:	NATURE OF INJURY:	TYPE OF ACCIDENT:
Lost time	2004/01/05	vehicle, unspecified	head	laceration	noncollision accident
Lost time	2004/01/10	chemical products general	hand	burns, chemical	exposure to caustic substances
Lost time	2004/02/04	containers, unspecified	shoulders & neck	traumatic injuries to muscles, tendons, ligaments,joints, etc	sudden reaction when suprised, frightened, startled
Lost time	2004/02/16	gasoline,diesel fuel, jet fuel	external eye	conjunctivitis-nonviral	contact with skin, eye(s)
TOTAL CLAIMS FOR LOST TIME: 4					
Medical Aid Only	2003/10/02	cans	small intestine	hernia, n.e.c.	overexertion in lifting
Medical Aid Only	2003/10/04	unknown	back, including spine, spinal	traumatic inj. to mucles	unknown
Medical Aid Only	2003/10/21	unknown	wrist(s)	sprains, strains, tears	unknown
Medical Aid Only	2003/11/01	unknown	outer ear(s)	cellulitis & abscess	unknown
Medical Aid Only	2003/11/05	unknown	low(er) back, unspecified location	traumatic inj. to mucles	unknown
Medical Aid Only	2003/11/10	unknown	knee(s)	soreness, pain, hurt	unknown
Medical Aid Only	2003/11/14	unknown	shoulder, including clavicle	traumatic tendinitis	unknown
Medical Aid Only	2003/12/14	unknown	chest, except int. loc. of disc	traumatic inj. to mucles	unknown
TOTAL CLAIMS FOR MEDICAL AID ONLY: 6					
Report Only	2003/11/14	unknown	knee(s)	soreness, pain, hurt	unknown
Report Only	2003/11/15	unknown	external eye	foreign bodies	unknown
Report Only	2003/11/17	unknown	neck, except int. location	soreness, pain, hurt	unknown
TOTAL CLAIMS FOR REPORT ONLY: 3					
TOTAL CLAIMS FOR REPORT ONLY: 0					
TOTAL FOR FIRM: 15					

HOW TO REACH US

St. John's
146-148 Forest Road
P.O. Box 9000
St. John's, NL
A1A 3B8
Prevention Services Inquiries (709) 778-1552
Prevention Services Fax (709) 778-1564
Toll Free 1-800-563-9000

Grand Falls-Windsor
26 High Street
P.O. Box 850
Grand Falls - Windsor, NL
A2A 2P7
Telephone (709) 489-1600
Fax (709) 489-1616
Toll Free 1-800-563-3448

Corner Brook
Suite 201, Fortis Towers
4 Herald Avenue
P.O. Box 474
Corner Brook, NL
A2H 6E6
Telephone (709) 637-2700
Fax (709) 639-1018
Toll Free 1-800-563-2772

www.whscc.nf.ca

WORKPLACE HEALTH, SAFETY & COMPENSATION COMMISSION
WHSCC